

In general, the IRC indicated a desire to follow the Arizona Procurement Code (APC), however, their actions at times failed to comply with the APC. This lead to continued conflicts of authority between the Procurement Officer and the IRC. The following are a few representative examples:

1. The IRC voted on the legal firm shortlist for interviews without involvement by the Procurement Officer. The Procurement Officer was excluded from attendance and was not afforded an opportunity to provide supporting evaluation documentation for the shortlist decision. Further, the IRC failed to provide the Procurement Officer the opportunity to review the interview questions or prescribe the guidelines for the interviews. (R2-7-C316B, Evaluation of Offers)
2. The IRC agreed and signed a legal services summary evaluation report, but then publicly discussed and some members voted contradictory to the agreed upon evaluation report. (R2-7-C316B, Evaluation of Offers)
3. The IRC directed SPO to "harmonize" the rates between the two firms, which required a non-susceptible award determination after the public vote so the rates could be negotiated. This did not follow the customary process or requirements in the APC for negotiations and final proposal revisions. (A.R.S. §41-2534F; R2-7-C311A, Determination of Not Susceptible for Award)
4. The IRC disregarded a recommendation by SPO that the composition of the evaluation committee for the mapping RFP include independent subject matter experts and not be solely comprised of Commissioners. (R2-7-C316B, Evaluation of Offers)
5. The IRC disregarded the Procurement Officer's instruction to submit their preliminary interview questions for review prior to the mapping consultant interviews. (R2-7-C313C, Clarifications of Offerors)
6. The IRC disregarded the Procurement Officer's instructions to evaluate strictly upon the evaluation factors in the RFP and to be consistent; however, inconsistencies were evident in the evaluator comments and scoring for the mapping consultant. (R2-7-C316B, Evaluation of Offers)
7. The IRC failed to comply with the APC in the evaluation of the proposals. In particular in the determination of susceptibility/competitive range and ultimate contract award. (A.R.S. §41-2534F; R2-7-C314C, Negotiations with Responsible Offerors and Revisions of Offers)

As discussions also transpired in Executive Session, other aspects of the Arizona Procurement Code may be in question.